

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE P.S.NARAYANA
WRIT PETITION NO : 32866 of 1997

Between:

- 1 Venkata Rama Pottaries, Rep. by its Managing Partner, Dasari
Srinivasa Rao, S/o. Venkateswara Rao, Rajahmundry,
East Godavari District.
(The Cause title amended as per Court Order dt. 4.2.98 in
W.P.M.P.No.2150/98)
- 2 Annapoorna Insulators, Rep. by its Managing Partner, Kola
Ramesh, S/o. Sriramulu, Rajahmundry, East Godavari District.

.....
PETITIONERS

AND

M/s. Singareni Collieries Company Limited, Rep. by its Chairman,
Post Box No.18, Mohar Manzil Red Hills,
Hyderabad.

.....**RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the action of the Respondent in treating the Petitioners as unlinked customers and collecting 20% additional levy on notified prices of coal as per price Notification No.3/96-97, dt. 14.3.1997 issued by it is irrational, arbitrary, discriminatory and violative of Article 14 of the constitution of India and restrain the Respondent-Company from collecting 20% additional price

from the Petitioners and consequently direct to refund the amounts already collected.

Counsel for the Petitioners: MR.SUBBA RAO KORRAPATI

Counsel for the Respondent: MR.K.SRINIVASAMURTHY

The Court made the following:

ORDER:

It is submitted that in view of the decision reported in **ESWARA LAMINATES (P) LTD. v. SINGARENI COLLIERIES CO., LTD.** ^[1], the writ petition may have to be dismissed.

The submission is hereby recorded. Accordingly, in view of the aforesaid decision, the writ petition is dismissed. No order as to costs.

(P.S.NARAYANA, J)

Dated February 24, 2005.

YCR

TO

1. The Chairman, M/s. Singareni Collieries Company Limited,
Post Box No.18, Mohar Manzil Red Hills, Hyderabad.
2. 2 C.D. copies.

[\[1\]](#) 1998 (3) ALD 731 (DB)